

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**WILLIAM RICHARD HOLCOMBE**

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§

**No. 1:04-CR-126**

**REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE  
RE: DEFENDANT'S MOTION TO SUPPRESS EVIDENCE**

Defendant, William Richard Holcombe, is charged with violating 21 U.S.C. § 841(c)(1). Defendant filed a motion to suppress evidence on January 11, 2005. Docket No. 36.

This motion is referred to the undersigned United States magistrate judge for review, hearing if necessary, and submission of a report with recommended findings of fact and conclusions of law. Docket No. 39; United States v. Raddatz, 447 U.S. 667, 681-84 (1980); see also 28 U.S.C. § 636(b)(1)(B) and Local Rules for the Assignment of Duties to United States Magistrate Judge. Pursuant to that order of reference, the undersigned scheduled an evidentiary hearing for February 7, 2005, to consider defendant's motion.

Defense counsel has recently notified the court that defendant will enter a guilty plea. As a result, a hearing is unnecessary and substantive issues raised in defendant's motion to suppress are moot.

### III. RECOMMENDATION

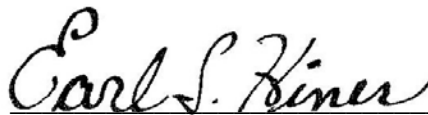
The motion to suppress evidence should be denied as moot.

### IV. OBJECTIONS

Objections must be: (1) specific, (2) in writing, and (3) served and filed within ten days after being served with a copy of this report. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 1(a), 6(b), and 72(b).

A party's failure to object bars that party from: (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, see Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court, see Douglas v. United Servs. Auto. Ass'n., 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED this 2nd day of February, 2005.

A handwritten signature in cursive script, reading "Earl S. Hines", written in black ink. The signature is positioned above a horizontal line.

EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE